

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

LLOYD WHITAKER
Plaintiff

-vs-

Case No. 06-11121
Hon. Lawrence P. Zatkoff
DEMAND FOR JURY TRIAL

AUBURN PONTIAC,

Defendant

**Stipulated Protective Order Covering Private Financial Information, Personal Identifiers,
and Other Information Covered by E-Government Act**

The Court enters this protective order governing production of Plaintiff's private financial data and consumer reports (which are protected under 15 U.S.C. § 1681b from disclosure). This Order provides the parties with a permissible purpose under 15 U.S.C. § 1681b(a)(1) to obtain such reports under subpoena.

This protective order also governs disclosure of personal identifiers that are otherwise governed by the E-Government Act and local administrative orders and the handling of that information in the course of depositions to be taken in the course of this case and is intended to facilitate the ability of the parties to file deposition materials without violation of that act and the efficient completion of discovery.

1. Production of Consumer Reports and Private Financial Information.

Having entered this Order, Plaintiff shall provide copies of all consumer reports within his possession, marked as "Confidential." Any copies of Plaintiff's consumer report received or produced by any party to this matter shall be stamped as "Confidential" and will be subject to the restrictions in this protective order. Any party may request or subpoena copies of Plaintiff's consumer reports from third parties without prejudice to Plaintiff's right to move to quash those

requests or subpoenas. However, upon receipt of such consumer report the party receiving that consumer report shall promptly stamp the document as "Confidential" and treat the document as being subject to the requirements of this protective order. Further, Plaintiff may designate any production response, response to interrogatory, or deposition testimony containing his private financial information as "Confidential".

By this Order, the Court Grants each of the parties stipulating to this Order with a Permissible Purpose under 15 U.S.C. § 1681b(a)(1). Any subpoena issued for any copies of Plaintiff's consumer report shall include a copy of this order. Any party receiving such a subpoena shall provide Plaintiff's consumer reports as requested in that subpoena.

2. Protection of Confidential Material.

Any material designated as "Confidential" (including those obtained from third parties) or information contained therein shall be protected as "Confidential" under the terms of this Order until such time as 1) the documents are submitted to the Court in connection with a dispositive motion, or 2) the documents are submitted at trial of this matter.

If information any information which is protected as "Confidential" is submitted in connection with a dispositive motion or at trial pursuant to this Order, the information ceases to be protected as "Confidential", but any party may move to seal the Court's record and proceedings under the applicable law.

Any information which is protected as "Confidential" may not be used outside this case and may only be used in this litigation. Information protected as "Confidential" may only be disclosed to

- a. Other attorneys appearing in this case.
- b. Staff, office personnel, consulting attorneys, experts, and consulting experts.

associated with the attorneys appearing in this case.

c. Witnesses.

d. Deponents.

All consumer reports obtained in discovery shall be returned to Plaintiff within 30 days of the conclusion of this case excepting those which cease to be treated as “Confidential” under the terms of this order or any later modification of that order.

3. Use of Confidential Materials in Non-Dispositive Motions or Filings

Any motion or other filing containing Plaintiff's consumer reports relating to a non-dispositive motion must be filed under seal with the clerk of the court.

4. Other Protected Information.

The materials covered will be referred to as the *protected information* throughout the remainder of this order and will include:

- a. Street addresses and former street addresses of any natural person
- b. Social Security numbers
- c. Dates of birth
- d. Drivers licence numbers.
- e. Account numbers.
- f. The names of any minor children.
- g. Maiden names of mothers.
- h. Passwords.
- i. Any other information covered by the e-government act or which is otherwise prohibited by local court rule from being filed in the court.

5. Use and Presentation of Protected Information.

No party may object to providing *protected information* covered by this order by reason of such information's confidentiality, the limitations under the E-Government Act, or relevance. Such information shall be provided without objection in response to any deposition question posed. The information provided may be used for purposes of litigating this case and no other. This information shall not be disclosed beyond this case except as made part of the public record or otherwise ordered by this Court.

Any party responding to questions regarding *protected information* shall at the time of the question note in the record that such material is governed by this order. Upon making that notation the Court Reporter shall make note that the material is covered and assign an alpha-numeric masking code which shall be used to mask and redact the *protected information*. When preparing any copy of the transcript, the Court report shall replace the *protected information* with the alphanumeric mask. Additionally, the Court Reporter shall prepare a separate list identifying the *protected information* and the alphanumeric mask used in preparation of the transcript.

Upon receipt of a request for a copy of any transcript covered by this order, the Court reporter shall prepare a draft of the transcript for review by the party deposed. That party may review the transcript and make any additional designations of *protected information* within 14 days of receiving the transcript. The Court reporter shall make any necessary revisions to the transcript to insure that any of the additional *protected information* is masked in the same fashion as that which was designated at the deposition.

In the event that any party wishes to file a motion making use of any deposition containing *protected information* or make use such *protected information* at trial, that party may file that depositions without the accompanying index of covered material and alphanumeric masks unless the covered information is relevant to the motion or other filing. In that event, the party filing such

transcript shall file the index separately under seal.

6. Order Binding on Signatories

The parties signing this order are bound to its terms. Those parties to the case who have not signed may not receive copies of confidential information pursuant to this order. Nor shall copies of such copies be provided to them by any other party until further order of this Court.

In the event that less than all of the parties stipulate to entry of this Order, Plaintiff shall within 14 days of entry of this order, file a motion seeking the court's approval of this Order as binding upon all parties.

SO ORDERED

s/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff,
United States District Court Judge

Entered at Detroit, Michigan on May 16, 2006.

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